



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,735	08/03/1999	ROBERT M. COOPER	06975/050001	2170

26171 7590 05/23/2003

FISH & RICHARDSON P.C.  
1425 K STREET, N.W.  
11TH FLOOR  
WASHINGTON, DC 20005-3500

EXAMINER
----------

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/23/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/365,735

Applicant(s)

COOPER ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-8,11-37,41,44-61 and 63-81 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,2,6-8,11-37,41,44-61 and 63-81 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2,6-8,11-37,41, 44-61,63-81 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 71-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyer (US 6,268,849).

Regarding claim 71, Boyer discloses main facility 10 and web server 55 in figure 1 for providing program information to user in reflecting to user selection. The server provides program information based on geographic location and time inputted by user. The requested information such as "early, morning, mid-day, afternoon, prime time, late nite" is

Art Unit: 2611

displayed on the screen in reflect to user selection (see figure 9). Inherently, Boyer teaches a server configured to: receive a request for content from a requestor; determine a response to the request that is customized based on a local day-part of the requestor associated with the request, wherein a first response determined to a first request associated with a first day part (morning) differs from a second response determined to a second request associated with a second day part (mid day) that differs from the first day part; and provide the response to the requestor.

Regarding claim 72, Boyer teaches the local day part corresponds to a local time of day (see figure 9).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6-8, 11-23, 26-30, 34-37, 41, 44, 56, 59-61, 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US 6,005,565), and in view of Alten et al. (US 5,635,978).

Regarding claim 1, Legall discloses a method of receiving content from Internet, cable broadcast, satellite broadcast, and presenting content on display 120, the method comprising: entering text string into a window on the display 205 and performing the search; receiving the search results which includes information for generation electronic program guide; presenting electronic program guide and data from other resources on display 205 (see col. 3, line 57-col. 4, line 15 and figures 3A-3C). Inherently, the method comprising determining a local context for a viewer of a web-based TV system, wherein the local context reads on the local time of the EPG; customizing a content page based on the determined local context; and presenting the customized content page to the viewer. However, Legall does not specifically disclose local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page.

Alten teaches local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page (see col. 6, line 7+, col. 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Legall to incorporate the feature as taught by Alten in order to provide user desired information thereby allow user selects program easily.

Regarding claim 2, Alten teaches the local day part corresponds to a local time of day (see figures 5B-5C and col. 11, line 30+).

Regarding claim 6, Legal discloses the “web-based TV” comprises a “set top device” 100 at local site and a host system (Internet provider or broadcast station) at a remote site, wherein web page is stored at the local site (see figure 1 and figure 3A and col. 2, lines 25- 37).

Regarding claim 7, Legal discloses the “web-based TV” comprises a “set top device” 100 at local site and a host system (Internet provider or broadcast station) at a remote site, wherein determining a local context comprises accessing information stored at the remote site (see figure 1 and figure 3A).

Regarding claim 8, Legal discloses the content page comprises text, graphics, utilities and/or a display of a TV program (see figures 3A-3B).

Regarding claim 11, Alten teaches adjusting a look and feel of the content page comprises specifying a thematic element associated with the determined local context (see col. 11, line 30).

Regarding claim 12, Legall discloses adjusting a look and feel of the content page comprises modifying a viewer interface for the content page (see col. 4, lines 49-65).

Regarding claim 13, Legall discloses customizing the content page comprises changing content in the page (see col. 4, lines 49-65).

Regarding claim 14, Legall discloses changing content comprises changing text on the content page (see col. 4, lines 49-65).

Regarding claim 15, Legall discloses selecting a particular broadcast to view gives displaying of a website related to the particular broadcast (see col. 5, lines 1-21). As a result, the advertisements change.

Regarding claim 16, Legall discloses selecting a particular broadcast to view gives displaying of a website related to the particular broadcast (see col. 5, lines 1-21). As a result, the news changes.

Regarding claim 17, Legall discloses changing content comprises modifying the content page to provide access to one or more utilities (see col. 4, lines 49-65 and figure 3A-3B).

Regarding claim 18, Legall discloses customizing the content page comprises providing access to a communications utility (see col. 4, lines 49-65).

Regarding claim 19, Legall discloses modifying the content page comprises changing source, rate, time, length, etc. (see figure 3B). Inherently, modifying the content page comprises changing one or more functionalities made available by the content page.

Regarding claim 20, Legall discloses modifying the content page comprises changing source, link (see col. 4, line 49-col. 5, line 65). Inherently, modifying the content page comprises changing links made available by the content page, the links providing access to associated resources.

Regarding claim 21, Legal discloses the "web-based TV" comprises a "set top device" 100 at local site and a host system (Internet provider or broadcast station) at a remote site(see figure 1 and figure 3A). Legall further discloses "set top device" receives the web page and EPG information and stores in the local site for future use (see figures 3A-3B and col. 2, lines 25- 37).

Regarding claim 22, Legall discloses retrieving stored web page or electronic program guide at the local site (see col. 2, lines 28-37 and col. 3, line 31-55). Legall further discloses upon selection of a particular broadcast to view, a background search



Art Unit: 2611

can automatically be initiated using all or some of the parameters of the program element information provided with the program (see col. 5, lines 1-22). Therefore, Legall inherently discloses customizing the content page comprises retrieving a first portion of context-related information (web page or EPG) from the local site and a second portion of context related information (particular broadcast and web site) from the remote site.

Regarding claim 23, Legall discloses retrieving stored web page or electronic program guide at the local site (see col. 2, lines 28-37 and col. 3, line 31-55). Legall further discloses upon selection of a particular broadcast to view, a background search can automatically be initiated using all or some of the parameters of the program element information provided with the program (see col. 5, lines 1-22). Inherently, Legall discloses the first portion of context-related information (web page or EPG) corresponds to a look and feel of the content page and the second portion of the context-related information (web site or particular broadcast) corresponds to content of the content page.

Regarding claim 26, Legall discloses a complete search query can be provided in association with a broadcast. That is, a string of keywords combined with operators can be included in the EPG associated with a broadcast, included in the vertical blank interval of a broadcast signal itself (see col. 5, lines 33-42). Inherently, Legall discloses customizing the content page comprises receiving context-related information in a vertical blanking interval of a TV signal.

Regarding claim 27, Alten teaches receiving context related information using satellite communications (see figure 1).

Regarding claim 28, Legall discloses presenting the customized content page to the viewer comprises displaying a window on the viewer's display monitor (see figure 3A).

Regarding claim 29, Legall discloses presenting the customized content page comprises presenting TV-based content or computer network based content or a combination of both (see figures 3A-3B).

Regarding claim 30, Legall discloses a method of presenting electronic content in a computer-network based environment including a host computer (Internet provider or broadcast station) and local computer (receiver station) by entering text string into a window on the web page or selecting a previous stored web page; selecting the source, rate, time, length, etc; retrieving information from host computer based on the entered information and transferring the retrieved information to the receiver; receiving the search results from receiver and generating electronic program guide based on the information provided by the host computer and presenting electronic program guide and other information on the display (see figures 3A-3B). Inherently, the method comprising determining a local context (time of the EPG) for a user of the computer network;

Art Unit: 2611

selectively retrieving from the host computer, based on the information entered in the web page, context-related information associated with the determined local context; and customizing the content page by generating an electronic program guide and web page based on the retrieved context-related information. However, Legall does not specifically disclose local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page.

Alten teaches local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page (see col. 6, line 7+, col. 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Legall to incorporate the feature as taught by Alten in order to provide user desired information thereby allow user selects program easily.

Regarding claim 34, Legall discloses local computer can access to the Internet and broadcast station (see figure 1). Inherently, the computer network based environment comprises a web based TV system.

Regarding claim 35, Legall discloses the local computer comprises processor system 100 reads on the set top device being claimed (see figure 1); The system 100 has access to the Internet through Internet access 100, and also can access previously accessed and stored web pages (see col. 2, lines 25-37). Inherently, the host computer comprises a host system at a remote site, and wherein determining the local context comprises accessing information stored at the local site.

Regarding claim 36, Legall discloses the local computer comprises processor system 100 reads on the set top device being claimed (see figure 1); The system 100 has access to the Internet through Internet access 100, and also can access previously accessed and stored web pages (see col. 2, lines 25-37). Inherently, the host computer comprises a host system at a remote site, and wherein determining the local context comprises accessing information stored at the remote site.

Regarding claim 37, Alten teaches the local context corresponds to a local time of day (see figures 5B-5C).

Regarding claim 41, Legal discloses the content page comprises text, graphics, utilities and/or a display of a TV program (see figures 3A-3B).

Regarding claim 44, Alten teaches adjusting a look and feel of the content page comprises specifying a thematic element associated with the determined local content (see figures 5B-5C and col. 11, line 30).

Regarding claim 45, Legall discloses adjusting a look and feel of the content page comprises modifying a viewer interface for the content page (see col. 4, lines 49-65).

Regarding claim 46, Legall discloses customizing the content page comprises changing content in the page (see col. 4, lines 49-65).

Regarding claim 47, Legall discloses changing content comprises changing text on the content page (see col. 4, lines 49-65).

Regarding claim 48, Legall discloses selecting a particular broadcast to view gives displaying of a website related to the particular broadcast (see col. 5, lines 1-21). As a result, the advertisements change.

Regarding claim 49, Legall discloses selecting a particular broadcast to view gives displaying of a website related to the particular broadcast (see col. 5, lines 1-21). As a result, the news changes.

Regarding claim 50, Legall discloses changing content comprises modifying the content page to provide access to one or more utilities (see col. 4, lines 49-65 and figure 3A-3B).

Regarding claim 51, Legall discloses customizing the content page comprises providing access to a communications utility (see col. 4, lines 49-65).

Regarding claim 52, Legall discloses modifying the content page comprises changing source, rate, time, length, etc. (see figure 3B). Inherently, modifying the content page comprises changing one or more functionalities made available by the content page.

Regarding claim 53, Legall discloses modifying the content page comprises changing source, link (see col. 4, line 49-col. 5, line 65). Inherently, modifying the content page comprises changing links made available by the content page, the links providing access to associated resources.

Regarding claim 54, Legal discloses the "web-based TV" comprises a "set top device" 100 at local site and a host system (Internet provider or broadcast station) at a remote site(see figure 1 and figure 3A). Legall further discloses "set top device" receives the web page and EPG information and stores in the local site for future use (see figures 3A-3B and col. 2, lines 25- 37).

Regarding claim 55, Legall discloses retrieving stored web page or electronic program guide at the local site (see col. 2, lines 28-37 and col. 3, line 31-55). Legall further discloses upon selection of a particular broadcast to view, a background search can automatically be initiated using all or some of the parameters of the program element information provided with the program (see col. 5, lines 1-22). Therefore, Legall inherently discloses customizing the content page comprises retrieving a first portion of context-related information (web page or EPG) from the local site and a second portion of context related information (particular broadcast and web site) from the remote site.

Regarding claim 56, Legall discloses retrieving stored web page or electronic program guide at the local site (see col. 2, lines 28-37 and col. 3, line 31-55). Legall further discloses upon selection of a particular broadcast to view, a background search can automatically be initiated using all or some of the parameters of the program element information provided with the program (see col. 5, lines 1-22). Inherently, Legall discloses the first portion of context-related information (web page or EPG) corresponds to a look and feel of the content page and the second portion of the context-related information (web site or particular broadcast) corresponds to content of the content page.

Regarding claim 59, Legall discloses a complete search query can be provided in association with a broadcast. That is, a string of keywords combined with operators can

be included in the EPG associated with a broadcast, included in the vertical blank interval of a broadcast signal itself (see col. 5, lines 33-42). Inherently, Legall discloses customizing the content page comprises receiving context-related information in a vertical blanking interval of a TV signal.

Regarding claim 60, Legal discloses receiving information via satellite broadcast 308 (see figure 3A). Inherently, customizing the content page comprises receiving context related information using satellite communications.

Regarding claim 61, Legall discloses presenting the customized content page to the viewer comprises displaying a window on the viewer's display monitor (see figure 3A).

Regarding claim 64, the claim elements of the system being claimed correspond to the claim elements of the method being claimed in claim 1 and are analyzed as discussed with respect to the rejection of claim 1. It is necessary to incorporate software instructions in the "set top device" in order to perform the operations automatically.

Regarding claim 65, Legall discloses the system further comprising a display monitor 120, coupled to processor 100, on which the customized content page is presented to the viewer (see figures 1 and 3A-3B).



Regarding claim 66, Legall discloses the system comprising receiver 105 for receiving satellite transmissions of broadcast and programming information through antenna 106; and the system 100 further has access to the Internet through Internet access 100 (see figure 1 and col. 2, lines 16-30). Therefore, receiver 105 reads on the TV receiver and Internet access 110 reads on the network adapter.

Regarding claim 67, Legall discloses a system capable to access to TV broadcast station and Internet based on user input (see figure 4). Inherently, the processor system 100 comprises instructions to selectively receive context information through the network adapter or through the TV tuner.

6. Claims 24-25, 31-33 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US 6,005,565) in view of Alten et al. (US 5,635,978) as applied to claim 1 or claim 30 above, and in view of Ballard (US 6,182,050).

Regarding claim 24, Legall in view of Alten discloses a method as discussed in the rejection of claim 23. However, neither Legall nor Alten explicitly disclose determining whether the set top device is actively connected to the host computer.

Ballard discloses if requested while off-line then the web page is immediately displayed if a copy is stored on the end user computer. Otherwise, the end user

Art Unit: 2611

computer establishes an on-line connection to retrieve the web page (see col. 10, lines 10-25). Inherently, Ballard discloses determining whether the "set top device" is actively connected to the host computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Legall and Alten to incorporate a method as taught by Ballard in order to indicate link status to user thereby increase efficiency while using the system.

Regarding claim 25, Ballard discloses if requested while off-line then the web page is immediately displayed if a copy is stored on the end user computer. Otherwise, the end user computer establishes an on-line connection to retrieve the web page (see col. 10, lines 10-25). Necessarily, customizing the content page comprises retrieving context-related information (i) from the remote site if the set top device is determined to be actively connected to the host system (ii) from the local site if the set top device is determined not to be actively connected to the host system.

Regarding claim 31, Legall in view of Alten discloses a method as discussed in the rejection of claim 30. However, neither Legall nor Alten explicitly disclose selective retrieval of context-related information from the host computer or from the local computer depends on whether the local computer presently is in communication with the host computer.

Ballard discloses if requested while off-line then the web page is immediately displayed if a copy is stored on the end user computer. Otherwise, the end user computer establishes an on-line connection to retrieve the web page (see col. 10, lines 10-25). Inherently, selective retrieval of context-related information from the host computer or from the local computer depends on whether the local computer presently is in communication with the host computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Legall and Alten to incorporate a method as taught by Ballard in order to give flexibility in information retrieving.

Regarding claim 32, the claim elements correspond to the claim elements of claim 24 and are analyzed as discussed in the rejection of claim 24.

Regarding claim 33, the claim elements correspond to the claim elements of claim 25 and are analyzed as discussed in the rejection of claim 25.

Regarding claim 57, the claim elements correspond to the claim elements of claim 24 and are analyzed as discussed in the rejection of claim 24.

Regarding claim 58, the claim elements correspond to the claim elements of claim 25 and are analyzed as discussed in the rejection of claim 25.

7. Claims 63 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard (US 6,182,050) in view of Legall et al. (US 6,005,565) and further in view of Alten et al. (US 5,635,978).

Regarding claim 63, Ballard discloses a method comprising:  
determining a local context for the user (see col. 2, lines 34-65); Ballard further discloses if requested while off-line then the web page is immediately displayed if a copy is stored on the end user computer. Otherwise, the end user computer establishes an on-line connection to retrieve the web page (see col. 10, lines 10-25). Inherently, the method comprising detecting that a user of the user computer has requested access to a content page; determining whether the user is logged in to the host computer; retrieving context-specific information associated with the determined local context, the information being retrieved (i) from the remote site if the set top device is determined to be logged in to the host system (ii) from the local site if the set top device is determined not to be logged in to the host system. However, Ballard does not explicitly disclose the user computer is web-based TV system and customizing the content page based on the retrieved context specific information and the local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page.

Legall discloses the user processor system 100 can receives information from television broadcaster and World Wide Web (see figure 1) and customizing the content page based on the retrieved context specific information (see figures 3A-3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballard to incorporate a method as taught by Legall in order to expand capabilities of the user computer. However, neither Legall nor Ballard specifically disclose local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page.

Alten teaches local context corresponds to a local day-part appropriate for determined geographic location at the time of presentation; and customizing the content page comprises adjusting a look and feel of the content page comprises specifying one or more background colors for the content page (see col. 6, line 7+, col. 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ballard and Legall to incorporate the feature as taught by Alten in order to provide user desired information thereby allow user selects program easily.

Regarding claim 69, the limitations of the claim are directed toward embody the method of claim 63 in a "computer readable medium." It would have been obvious to

Art Unit: 2611

one of ordinary skill in the art to embody the procedure of Ballard in view of Legall discussed with respect to claim 63 in a "computer readable medium" in order that the instructions could be automatically performed by a processor.

8. Claims 68, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall et al. (US 6,005,565) in view of Alten et al. (US 5,635,978).

Regarding claim 68, Legall in view of Alten teaches a system as discussed in the rejection of claim 68. Official Notice is taken that it would have been obvious to one of ordinary skill in the art to incorporate instruction for set top device to receive context information from TV tuner if the set top device is not actively logged in to the host computer in order to give flexibility in information receiving.

Regarding claim 70, Legall in view of Alten teaches a method as discussed in the rejection of claim 1. Official Notice is taken that determining the geographic location of the viewer by accessing user program information in a database and determining the geographic location based on the user profile information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Legall and Alten to incorporate a well-known technique in the art in order to provide content to authorized user.

9. Claims 73-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 6,268,849), and in view of Alten et al. (US 5,635,978).

Regarding claim 73, Boyer teaches a server as discussed in the rejection of claim 71. However, Boyer does not specifically disclose customizing a content page by adjusting a look and feel of the content page to complement the local day part.

Alten teaches customizing a content page by adjusting a look and feel of the content page to complement the local day part (see col. 6, line 7+, col. 11, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer to incorporate the feature as taught by Alten in order to allow viewer easily recognizes programs correspond to day part.

Regarding claim 74, Alten teaches adjusting the look and feel of the content page comprises specifying one or more background colors for the content page (see col. 11, line 30+).

Regarding claim 75, Alten teaches adjusting the look and feel of the content page comprises specifying a thematic element associated with the local day part (see col. 11, line 30+ and figures 5B-5C).

Regarding claim 76, Boyer teaches modifying a viewer interface for the content page (select different icons to display program guide correspond to the icon such as morning, late night -see col. 7, lines 40+).

Regarding claim 77, Boyer teaches changing content in the page (changing programs by selecting different icon in the page- see figure 8).

Regarding claim 78, Boyer teaches changing content comprises changing text and/or graphics on the content page (see figure 8).

Regarding claim 79, Alten teaches changing text and/or graphic comprises changing advertisements (promotional material- see col. 9, line 46+).

Regarding claim 80, Boyer teaches changing content comprises modifying the content page to provide access to one or more utilities (see figure 10 and col. 10, line 25+).

Regarding claim 81, Boyer teaches modifying the content page comprises changing one or more functionalities made available by the content page (see col. 10, line 25+).

### ***Conclusion***



10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson et al. (6,536,041) teaches program guide system with real time data sources.

Knudson et al. (US 6,564,379) teaches program guide with flip and browse advertisements.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
May 19, 2003



**VIVEK SRIVASTAVA**  
**PATENT EXAMINER**